



County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 18, 2015

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Interim Chief Executive Officer

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To: Mayor Michael D. Antonovich
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From: Sachi A. Hamai
Interim Chief Executive Officer

WASHINGTON, D.C. UPDATE ON THE FEDERAL FISCAL YEAR 2016 COMMERCE- JUSTICE-SCIENCE APPROPRIATIONS LEGISLATION (H.R. 2578)

Executive Summary

This memorandum is to provide the Board with an update on H.R. 2578, the Federal Fiscal Year (FFY) 2016 Commerce-Justice-Science (CJS) appropriations bill, which the Senate Appropriations Committee reported on June 16, 2015, and which the House passed on June 3, 2015. This bill funds Department of Justice (DOJ) programs through which the County receives grant funding.

The House bill appropriates far more funding than the Senate bill for the two formula grants through which the County annually receives most of its DOJ funding:

- The State Criminal Alien Assistance Program is funded at \$220 million in FFY 2016 in the House bill and \$75 million in the Senate bill; and
- The Byrne Justice Assistance Grant is funded at \$445 million in the House bill, and \$317.1 million in the Senate bill.

Similar to other FFY 2016 appropriations bills, it is all but certain that the Senate will not pass a FFY 2016 CJS appropriations bill and that a Continuing Resolution will be enacted to temporarily fund Federal programs and operations during the early part of FFY 2016. Senate Democrats have indicated that they will use filibusters to block FFY 2016 appropriations bills because they support higher overall discretionary spending levels than those being used in FFY 2016 appropriations bills by the Republican majority in both houses.

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FFY 2016 Funding for Programs of County Interest

The Commerce-Justice-Science appropriations bill funds DOJ grants through which the County may apply for funding, including the State Criminal Alien Assistance Program and Byrne Justice Assistance Grant formula grants through which the County annually receives most of its DOJ funding. The funding levels for DOJ formula grants are as follows:

State Criminal Alien Assistance Program (SCAAP) is increased from \$185 million in FFY 2015 to \$220 million in FFY 2016 in the House bill, but reduced to \$75 million in the Senate bill. Moreover, the Senate version will further reduce SCAAP reimbursement of state and local costs of incarcerating undocumented criminal aliens because it increases the percentage of SCAAP funding that can be transferred to other programs from 10 percent to 17 percent. Since FFY 2012, DOJ has transferred 10 percent of annual SCAAP funding to other programs by using the authority provided in annual CJS appropriations acts that allows it to transfer up to 10 percent of total funding from any state and local law enforcement grant. The House bill also allows the DOJ to transfer over 10 percent of SCAAP funding to other programs because it removes the current two percent cap on the transfer of state and local law enforcement funding to National Institute of Justice and Bureau of Justice Statistics programs. Because the President supports eliminating SCAAP funding, DOJ is likely to continue to transfer the maximum allowable percentage of SCAAP funding to other DOJ programs and activities which are higher Administration budget priorities.

The County would receive an estimated \$4.16 million FFY 2016 SCAAP payment under the House version, but only \$1.42 million under the Senate bill, assuming that the County receives the same percentage share of total SCAAP funding as in FFY 2014 when DOJ transferred 10 percent of total SCAAP funding to other programs.

Byrne Justice Assistance Grant (JAG) is increased from \$332.75 million in FFY 2015 to \$445 million in the House bill, but is cut to \$317.1 million in the Senate bill. The County annually receives a JAG formula grant allocation of roughly \$1 million a year, and also is eligible to apply for additional JAG funding from the State of California, which, under current law, is required to distribute 62.9 percent of its JAG allocation to local governments. For example, the State is required to award \$12.14 million of its FFY 2014 JAG allocation of \$19.30 million to local governments.

DNA Analysis and Capacity Enhancement Grants are funded at \$117 million in both bills, which is the same level as in FFY 2015. The County Sheriff's Department receives over \$1 million a year from this formula grant.

Title II Juvenile Justice Formula Grant is increased from \$55 million in FFY 2015 to \$65 million in FFY 2016 in the Senate bill, but is not funded in the House bill. The State of California currently uses \$2.640 million of its roughly \$4.1 million Title II allocation to award competitive grants to counties. For Fiscal Year 2015-16, the State has set aside only \$1.118 million (45 percent) of the \$2.640 million for grants to the 15 largest counties with a population over 700,000, which account for 82.6 percent of the State's total population. Moreover, Title II grants to large counties are capped at \$300,000. Therefore, based on the State's current policy, the maximum amount of Title II funds that the County can receive is \$300,000 even though the County has over 26 percent of the State's total population.

John R. Justice Student Loan Repayment Grant, which provides student loan repayment assistance to prosecutors and public defenders, is increased from \$2 million in FFY 2015 to \$3 million in FFY 2016 in the Senate bill, but is not funded in the House bill. California's allocation is \$63,240 in FFY 2015.

Funding for DOJ competitive grants of County interest include:

Trafficking Victim Services and Activities funding is increased from \$42.25 million in FFY 2015 to \$50 million in the Senate bill and \$42.3 million in the House bill. Similar to prior years, both bills allow DOJ to decide how to allocate the FFY 2016 appropriation among trafficking victim grants and activities that are authorized under current law. The bills differ in so far as the House, but not Senate, bill transfers DOJ's administration of the grants from its Office for Victims of Crime to the Office on Violence Against Women while the Senate, but not House, bill funds Trafficking Victim Services from the existing Crime Victims Fund rather than from the General Fund.

Community Oriented Policing Services (COPS) Hiring Grant funding is reduced from \$180 million in FFY 2015 to \$137 million in the Senate bill, but is not funded in the House bill.

Second Chance Act Offender Reentry Programs is funded at \$68 million in both bills, which is the same funding level as in FFY 2015.

The Senate Appropriations Committee did not include the two immigration-related policy riders in its bill, which were amended into the House bill on the House floor. One of the policy riders would prohibit funds appropriated by the bill from being used with respect to the State of Texas' lawsuit that seeks to block the President's Deferred Action for Parents of Americans program and his expansion of the existing Deferred Action for Childhood Arrivals (DACA) program. The other amendment would prohibit any DOJ state and local law enforcement funding, including SCAAP, from being used

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in contravention of an existing law that prohibits any Federal, state, or local official from prohibiting or restricting the sending to or receiving information from the Immigration and Naturalization Service (INS) regarding the citizenship or immigration status of any individual.

Legislative Outlook

The Senate version of the FFY 2016 CJS appropriations bill is not expected to reach the Senate floor. This is because Senate Democrats have indicated that they will filibuster this and other FFY 2016 appropriations bills. They believe that the overall discretionary spending levels for the appropriations bills are too low because they reflect the lower discretionary spending caps enacted in the Budget Control Act of 2011. It, therefore, is all but certain that the Senate will not pass a FFY 2016 CJS appropriations bill and that a Continuing Resolution will be enacted to temporarily fund Federal programs and activities during the early part of FFY 2016.

We will continue to keep you advised.

SAH:JJ:MR
MT:ma

c: All Department Heads
Legislative Strategist